

REMARKS

This is a full and timely response to the outstanding final Office Action mailed July 30, 2004. Reconsideration and allowance of the application and pending claims are respectfully requested.

I. Claim Rejections - 35 U.S.C. § 103(a)

A. Rejection of Claims 1, 6, and 21-22

Claims 1, 6, and 21-22 have been rejected under 35 U.S.C. § 103(a) as being unpatentable over Ulinski (U.S. Pat. No. 5,325,156) in view of Peters (U.S. Pat. No. 5,769,269). Applicant respectfully traverses this rejection.

1. The Ulinski Disclosure

Ulinski discloses a service call initiation and feedback interface for a reproduction machine 10. As is described by Ulinski, the reproduction machine includes a touch dialog screen 12 of a user interface (UI) 11. Ulinski, column 2, lines 34-39.

When an alert message is displayed on the UI, for instance because of an alert condition being detected by the reproduction machine, the operator (i.e., the user of the machine) has an option to request further diagnosis or service through the touchscreen 12. Ulinski, column 3, lines 57-60. Upon receiving such a request, the machine can send machine identity data to a remote diagnostic or repair site 60. Ulinski, column 3, line 64 to column 4, line 1.

To send the data, the machine places a call to a "host computer 84" of the remote diagnostic or repair site 60. Ulinski, column 4, lines 28-31. Notably, no call is made to a customer service representative (i.e., a human being). Assuming the call is successful,

information concerning the reproduction machine, such as information concerning the detected alert condition, is provided to the host computer. Ulinski, column 5, lines 13-25. That information is then provided to a diagnostic subsystem 90 of the host computer that determines appropriate corrective measures for the condition and supplies diagnostic information that can be communicated back to the machine for display on the machine UI. Ulinski, column 5, lines 28-35. Notably, *no* communications are held between the machine user and a customer support representative.

2. Applicant's Claimed Inventions

Applicant's independent claims 1 and 21 describe methods for providing customer support to a peripheral device user. Specifically, those claims provide (emphasis added):

1. A method for providing customer support to a peripheral device user, comprising the steps of:

receiving a request from a user to ***contact a customer support representative*** with a customer support unit integrated with a peripheral device that is one of a printer, photocopier, facsimile machine, scanner, digital sender, or multifunction peripheral;

establishing a ***communications link between the customer support representative and the user*** with the customer support unit;

transmitting audio and video communications between the customer support representative and the user while the user is at the peripheral device via the customer support unit; and

presenting status and settings information from the peripheral device to the customer support representative while the communications link is active to ***enable the customer support representative to consult the user*** as to how the user can correct a problem with the peripheral device.

21. A method for providing customer support to a peripheral device user, comprising:

receiving a customer support request from a peripheral device user input by the user into the peripheral device that is one of a printer, photocopier, facsimile machine, scanner, digital sender, or multifunction peripheral;

establishing a communications link between a customer support representative and the user with a customer support unit that is integrated with the peripheral device in response to the received support request;

providing configuration information about the peripheral device to the customer support representative while the communications link is active, the information being provided directly by the peripheral device;

transmitting communications of the customer support representative to the user while the user is at the peripheral device via the customer support unit; and

transmitting communications of the user to the customer support representative while the user is at the peripheral device via the customer support unit.

3. Discussion of Applicant's Claims

From the above, it is clear that the methods of claims 1 and 21 are directed to providing customer support in the form of communication between a user and a customer support representative. As is described above, however, the Ulinski system does not provide that type of customer support. Specifically, Ulinski's system only conveys information from a reproduction machine to a host computer for *automated diagnosis* of problems experienced by the machine using diagnostic subroutines.

Because the Ulinski system is an automated system in which the machine user “interacts” with a computer instead of a customer support representative (i.e., a human being), it is clear that, contrary to that alleged in the Office Action, Ulinksi does *not* teach “receiving a request from a user to contact a customer support representative”, “establishing a communications link between the customer support representative and the user with the customer support unit”, or “presenting status and settings information . . . to enable the customer support representative to consult the user as to how the user can correct a problem with the peripheral device” as are required by claim 1. In similar manner, Ulinski does not teach any of “establishing a communications link between a customer support representative”, “transmitting communications of the customer support representative to the user while the user is at the peripheral device via the customer support unit”, or “transmitting communications of the user to the customer support representative while the user is at the peripheral device via the customer support unit” as are required by claim 21.

Although the Office Action incorrectly indicates that Ulinski discloses facilitating communications between a device user and a customer support representative, the Office Action admits that Ulinski does not teach “audio and video communications” between a device user and a customer support representative. Due to this deficiency of the Ulinski disclosure, the Office Action cites the Peters reference for use in combination with Ulinski. As is provided in the Office Action, it is argued that (emphasis added):

Peters teaches a vending system integrated with customer support unit capable of providing audio and video communication between customer and customer service representative during abnormal operations in order to make user friendly by improving the vending

system is capable of providing audio and video communication with customer service representative during abnormal operations (col. 8 line 63 through col. 9 line 18 and col. 15 line 27 through col. 16 line 15).

Ulinski and Peters are combinable because they are in the same field of endeavor, i.e., establishing a communication between customer and customer support representative.

As a first matter, Applicant notes that, as is described above, the Ulinski system is *not* configured for “establishing a communication between customer and customer support representative” as is alleged in the Office Action. To the contrary, the Ulinski system is configured to establish “communications” between the customer and a host computer. Therefore, the reasoning for the combination cited in the Office Action is flawed.

More particularly, however, the combination is not proper given that Ulinski actually ***teaches away*** from facilitating communications between a customer and a customer support representative. As is explicitly stated by Ulinski (column 6, lines 25-34):

The foregoing system provides for the quick and accurate initiation of a service call automatically, ***without the need for oral communication***. Thus, any errors that could result from such oral communications are substantially eliminated. Further, status information is available and automatically provided at the faulted machine ***without the need for oral communication with personnel*** at the machine site. This provides improved customer satisfaction and can contribute to lower service costs.

From the foregoing, it is clear the Ulinski teaches away from “oral communications” between a customer and a customer support representative given that,

in Ulinski's opinion, such oral communications may result in "errors." Moreover, it appears that Ulinski believes that not providing customer service representatives (whom you presumably would need to pay) can "contribute to lower service costs." Irrespective of the reasoning behind Ulinski's teaching away from communications between customers and actual customer support representatives, it is clear that the Peters reference is not properly combinable with the Ulinski reference, at least from the standpoint of teaching modification of the Ulinski system to provide communication between customers and customer support representatives. As is well established in the law, "[t]here is no suggestion to combine . . . if a reference teaches away from its combination with another source . . . A reference may be said to teach away when a person of ordinary skill, upon reading the reference, would be discouraged from following the path set out in the reference, or would be led in a direction divergent from the path that was taken by the applicant . . ." *Tec Air, Inc. v. Denso Manufacturing Michigan Inc.*, 192 F.3d 1353, 52 USPQ2d 1294 (Fed. Cir. 1999). It therefore follows that the proposed combination of the Ulinski and Peters references is improper and that the rejection should be withdrawn.

B. Rejection of Claims 15, 17, 19, and 20

Claims 15, 17, 19, and 20 have been rejected under 35 U.S.C. § 103(a) as being unpatentable over Ulinski in view of Peters and Lee (U.S. Pat. No. 6,542,897). Applicant respectfully traverses this rejection.

As is described in relation to claims 1 and 20 above, Ulinski fails to teach facilitating communications between device users and customer support representatives. Moreover, the Peters reference is not properly combinable with the Ulinski reference for the purpose of suggesting modification of the Ulinski system to facilitate such

communications because Ulinski explicitly teaches away from such communications. Given those facts, the Ulinski/Peters combination does not render obvious any of “customer support unit comprising a speaker and a display that are adapted to present audio and video data of a customer support representative to the user and a microphone and video camera that are adapted to capture audio and video data of the user, the customer support unit being configured to receive a request from a user to contact a customer support representative and establish a communication link between the user and the customer support representative” or “wherein the user can communicate with the customer support representative” as are required by claim 15, or “a speaker configured to present audio data of a customer support representative to a user”, “a microphone configured to capture audio data of the user”, or “a video camera configured to capture video data of the user” as are required by claim 20. Applicant notes that Lee is not relied upon for, and does not teach, those limitations. Claims 15 and 20 are therefore allowable over Ulinski/Peters/Lee for at least these reasons.

The Lee reference is cited for the purpose of purportedly rendering obvious the addition of a web server module to a peripheral device. As is stated in the Office Action:

Lee teaches a customer support system using an Internet having a user computer including Internet communications means that can be connected to the customer support server though Internet (abstract) and a customer support engine for generated web pages containing status and setting information of the peripheral device . . .

Even assuming for purposes of argument that the above is true, Lee's teachings would *not* render obvious a web server module provided in a "peripheral device" (claim 15) or a "printer" (claim 20). Specifically, none of the applied references provide a teaching as to incorporation of a web server into a peripheral device, such as a printer, for the purpose of generating web pages containing status and setting information of the peripheral device. Applicant readily acknowledges that it is common to provide web servers in "computers" as is described by Lee. However, a teaching as to provision of a web server in a "computer" falls far short of anticipating the provision of a web server in a peripheral device to generate web pages of the status and settings of the peripheral device. Therefore, the addition of the Lee reference is insufficient to account for the explicitly recited "web server module" of claims 15 or 20.

C. Rejection of Claims 23-24

Claims 23-24 have been rejected under 35 U.S.C. § 103(a) as being unpatentable over Ulinski in view of Peters and Houghton, et al. ("Houghton," U.S. Pat. No. 6,009,153). Applicant respectfully traverses this rejection.

As is identified above, the Ulinski/Peters combination does not properly render independent claim 21 obvious. In that Houghton does not remedy the deficiencies of the Ulinski/Peters combination, Applicant respectfully submits that claims 23-24, which depend from claim 21, are allowable over the Ulinski/Peters/Houghton combination for at least the same reasons that claim 21 is allowable over Ulinski/Peters.

D. Rejection of Claims 25-28

Claims 25-28 have been rejected under 35 U.S.C. § 103(a) as being unpatentable over Houghton in view of Peters. Applicant respectfully traverses this rejection.

As is noted in the previous response, Applicant objects to the unwarranted interpretation of Houghton's programming controller as comprising an "embedded web server". Clearly, Houghton's mere recital of a "system controller" does not equate to disclosure of an "embedded web server". Applicant notes again that the Examiner is ignoring the well-established, plain meaning of an explicit claim limitation. As is defined by Webopedia (www.webopedia.com), a web server is:

A computer that delivers (*serves up*) Web pages. Every Web server has an IP address and possibly a domain name. For example, if you enter the URL *http://www.pcwebopedia.com/index.html* in your browser, this sends a request to the server whose domain name is *pcwebopedia.com*. The server then fetches the page named *index.html* and sends it to your browser . . .

Houghton neither describes his programming controller as a "web server" nor a functionality of the programming controller that would qualify the controller as a web server. In particular, Houghton's programming controller does not "serve up" Web pages so that another can access those pages using a browser. The Examiner's interpretation of Houghton's programming controller is completely unfounded and is therefore clearly improper.

Regarding the combination with the Peters reference, Applicant questions the reasoning used to form the rejection. The Office Action states:

Houghton differs from the claimed invention in not specifically teaching the customer support unit configured to facilitate communications between a peripheral device user at the peripheral device and a customer support representative. However, it is old and notoriously well known in

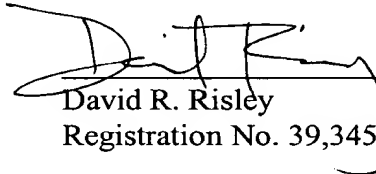
the art of user the customer support unit configured to facilitate communications between a peripheral device user at the peripheral device and a customer support representative upon the peripheral device user's discovery of a problem of the peripheral device, for example, see Peters.

In view of the above, it appears that the Office Action is expressing that, although Houghton discloses no "customer support unit," it is just obvious to use "the" unit and therefore would have been obvious to provide such a unit on the Houghton facsimile machine, as is supposedly evidenced by the Peter's teachings as vending machines. Clearly, this logic is flawed. Applicant notes that use of an audio communications system in a vending machine does not provide evidence of the alleged obviousness of using a customer support unit on a facsimile device. Moreover, if such use is so "notoriously well known," surely the Examiner can identify a reference that *actually teaches* such use in relation to a peripheral device as opposed to a vending machine. If not, rejection should be withdrawn.

CONCLUSION

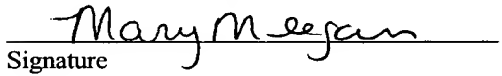
Applicant respectfully submits that Applicant's pending claims are in condition for allowance. Favorable reconsideration and allowance of the present application and all pending claims are hereby courteously requested. If, in the opinion of the Examiner, a telephonic conference would expedite the examination of this matter, the Examiner is invited to call the undersigned attorney at (770) 933-9500.

Respectfully submitted,


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